

JUDGE HOLWELL

7/4727-9

MAG. DOLINGER

Daniel S. A. (SQ 535)
Stephen J. Quigley (SQ 6847)
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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

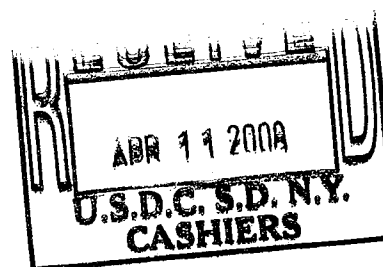
-----X
Yael Halaas M.D., PLLC,

Plaintiff,

v.

SCIENCE + BEAUTY MEDICAL SPA,
JESSICA L. PLOTNICK
and MATTHEW GOODRICH,

Defendants.
-----X



Civil Action No.

08 CV 3542

COMPLAINT

Yael Halaas M.D., PLLC ("Plaintiff"), by and through its attorneys Ostrolenk, Faber, Gerb & Soffen, LLP, hereby complains of the activities of Defendants as follows:

PARTIES

1. Plaintiff is a professional limited liability company formed and operating under the laws of the State of New York, with its principal place of business at 114 East 71st Street, New York, New York 10021. Plaintiff also operates under the assumed name SCIENCE & BEAUTY ASSOCIATES.

2. Upon information and belief, Defendant Jessica L. Plotnick (“Plotnick”) is an individual residing at 139 East 35th Street, Apartment 10E, New York, New York 10016, with a place of business at Suite 1G, 969 Park Avenue, New York, New York 10028.

3. Upon information and belief, Defendant Matthew Goodrich (“Goodrich”) is an individual residing at 205 East 14th Street, Apartment A, New York, New York 10003.

4. Upon information and belief, Defendant Science + Beauty Medical Spa (“SCIENCE and BEAUTY MEDICAL SPA”) is a business owned and operated by Defendant Plotnick and Defendant Goodrich and having an address at Suite 1G, 969 Park Avenue, New York, New York 10028. Defendant SCIENCE and BEAUTY MEDICAL SPA, Defendant Plotnick and Defendant Goodrich are collectively referred to as “Defendants.”

JURISDICTION

5. This Court has personal jurisdiction over Defendants because, based on information and belief, Defendants reside and conduct business in the State of New York and in this District.

6. The subject matter jurisdiction of this Court is based upon 15 U.S.C. §1121, 28 U.S.C §§1338(a) and 1338(b), and the doctrine of pendant jurisdiction.

7. Venue is proper in this District pursuant to 28 U.S.C. §1391(b) because this is an action brought pursuant to the federal trademark laws, 15 U.S.C. §1051 *et seq.*, Defendants conduct business in this Judicial District, and a substantial part of the events giving rise to the claims occurred in this District.

FACTS COMMON TO ALL COUNTS

Plaintiff's Activities

8. Plaintiff provides cosmetic, facial and plastic reconstructive surgery including otolaryngology, rhytidectomy, blepharoplasty, endoscopic browlift, mentoplasty, rhinoplasty, liposuction, laser cosmetic surgery, chemical peels, sclerotherapy, hair restoration surgery and otoplasty. Plaintiff has also added prescription and over-the-counter skin care and beauty products. Plaintiff's main office is in Manhattan.

9. Since at least as early as 2002, Plaintiff has been continuously using the mark SCIENCE AND BEAUTY for its practice and business and to identify cosmetic, plastic and reconstructive medical services ("Plaintiff's Services"). Plaintiff has utilized variations of its SCIENCE AND BEAUTY Mark for Plaintiff's Services, including SCIENCE AND BEAUTY, SCIENCE + BEAUTY, SCIENCE & BEAUTY ASSOCIATES and SCIENCE & BEAUTY SPA (hereinafter all of these marks are collectively referred to as "SCIENCE & BEAUTY Marks").

10. Plaintiff is the owner of U.S. Service Mark Registration No. 3,185,697 for the mark SCIENCE AND BEAUTY filed on April 6, 2005 and issued on December 19, 2006 for cosmetic, plastic and reconstructive medical services. This registration is active, valid, and in full force and effect. A copy of the Certificate of Registration is attached hereto as Exhibit 1.

11. Plaintiff is the owner of U.S. Service Mark Registration No. 3,382,840 for SCIENCE + BEAUTY filed on April 6, 2005 and issued on February 12, 2008 for cosmetic, plastic and reconstructive medical services. This registration is active, valid and in full force and effect. A copy of the Certificate of Registration is attached hereto as Exhibit 2.

12. Plaintiff is also the owner of trademark applications filed on April 6, 2005 in the U.S. Patent and Trademark Office for the marks SCIENCE AND BEAUTY SPA (Serial

No. 78/603,251) and SCIENCE AND BEAUTY ASSOCIATES (Serial No. 78/603,256) for cosmetic, plastic and reconstructive medical services. Copies of the Trademark Office database records for these applications are attached hereto as Exhibit 3. These applications have been approved for registration and were published without opposition from third parties.

13. Plaintiff maintains an Internet web site at *www.drhalaas.com* where it promotes and advertises Plaintiff's Services under one or more of the SCIENCE & BEAUTY Marks. A printout of the home page from Plaintiff's web site is attached as Exhibit 4.

14. Since prior to Defendants' complained of activities, Plaintiff has expended significant time and effort in developing the SCIENCE & BEAUTY Marks as a means of identifying the source of Plaintiff's Services.

15. Plaintiff has made significant sales of products and services under the SCIENCE & BEAUTY Marks.

16. As a result of their widespread use, Plaintiff's SCIENCE & BEAUTY Marks have acquired substantial consumer goodwill and they represent valuable assets for Plaintiff.

Defendants' Activities

17. In August 2004, long after Plaintiff had made substantial and continuous use of the SCIENCE & BEAUTY Marks, Plaintiff hired Defendant Plotnick as a Physician's Assistant. At the time Plotnick began her employment with Plaintiff, Plotnick knew that the SCIENCE & BEAUTY Marks were being used in connection with Plaintiff's practice and business.

18. In the course of her employment with Plaintiff, Plotnick performed laser hair removal, sclerotherapy and injectible filler procedures for Plaintiff. Plotnick expressed a

desire to market her services for Plaintiff using Plaintiff's SCIENCE & BEAUTY Marks, rather than Plaintiff's corporate name, Yael Halaas M.D., PLLC.

19. Plaintiff, as an accommodation to Plotnick, consented to Plotnick's limited use of Plaintiff's mark SCIENCE & BEAUTY for billing purposes, all to the benefit of Plaintiff. Plaintiff also arranged for printing business cards for Plotnick with the SCIENCE & BEAUTY name.

20. On April 7, 2005, while employed by Plaintiff and without the consent or authority of Plaintiff, Defendants Plotnick and Goodrich, as joint applicants, filed U.S. Trademark Application Serial No. 78/603,725 to register the mark SCIENCE + BEAUTY MEDICAL SPA and Design for health spa services, namely, cosmetic body care services ("Infringing SCIENCE AND BEAUTY Mark").

21. The Trademark Office has issued a preliminary refusal to register Defendants' Infringing SCIENCE AND BEAUTY Mark on the basis of, among others, Plaintiff's earlier filed applications for SCIENCE AND BEAUTY SPA (Serial No. 78/603,251) and SCIENCE AND BEAUTY ASSOCIATES (Serial No. 78/603,256). Copies of the Trademark Office database record for Defendants' SCIENCE + BEAUTY MEDICAL SPA and Design application and the Notice of Suspension (citing Plaintiff's applications) issued by the Trademark Office on January 30, 2007 are attached hereto as Exhibit 5.

22. Plaintiff terminated Plotnick's employment in August 2005.

23. Upon information and belief, since about September 2005, without the authority or consent of Plaintiff and with knowledge of Plaintiff's SCIENCE & BEAUTY Marks, Defendants have been using the Infringing SCIENCE AND BEAUTY Mark in connection with cosmetic and medical services including sclerotherapy, laser hair removal,

lipodissolve, Botox injections, restylane/captique treatments, facials, bio-facial lifts, chemical peels and masks in a facility located at 969 Park Avenue in New York City. Printouts of pages from the *scienceandbeauty.info* web site promoting and describing Plotnick and her services are attached as Exhibit 6.

24. Without the authority or consent of Plaintiff, Plotnick is also promoting her services through the Internet web site *wwwscienceandbeauty.net*. A printout of the home page from this web site is attached as Exhibit 7.

25. Defendants' Infringing SCIENCE AND BEAUTY Mark is identical to Plaintiff's SCIENCE & BEAUTY Marks.

26. Defendants' cosmetic and medical services are the same or closely related to Plaintiff's Services for which Plaintiff has used and registered the SCIENCE & BEAUTY Marks, and are likely to be sold or rendered to the same purchasers in similar and/or overlapping channels of trade.

27. Since shortly after Defendants started using the Infringing SCIENCE AND BEAUTY Mark to the present, Plaintiff has been in communications with Defendants to work out an amicable settlement in which Defendants would stop using the Infringing SCIENCE AND BEAUTY Mark after a reasonable phase out period. While Defendants have engaged Plaintiff in settlement negotiations and have led Plaintiff to believe that they would stop using the Infringing SCIENCE AND BEAUTY Mark, they have continuously delayed resolving this matter to the point that settlement negotiations have now broken down.

28. Most recently, in an effort to bring this matter to a close, Plaintiff had multiple conversations with Defendants' counsel in February, 2008. On each occasion, Defendants assured Plaintiff that they would quickly settle this matter by stopping use of the

Infringing SCIENCE AND BEAUTY Mark. On each occasion, Plaintiff sent Defendants' counsel another copy of an existing proposed settlement agreement.

29. On March 21, 2008 after receiving no response from Defendants, Plaintiff advised Defendants that this matter must finally be brought to a close. Plaintiff advised Defendants that if they did not settle this matter by Monday, March 24, 2008, they must immediately discontinue all uses of the Infringing SCIENCE AND BEAUTY Mark.

30. Despite Plaintiff's efforts to amicably resolve this matter, and despite the prospect of litigation, Defendants did not reply by March 24, 2008, and have not yet replied. Defendants are continuing to use the Infringing SCIENCE AND BEAUTY Mark.

31. Defendants' conduct of adopting the Infringing SCIENCE AND BEAUTY Mark and continuing to use the mark with actual notice of Plaintiff's SCIENCE & BEAUTY Marks, is a deliberate and willful attempt to trade upon and to derogate the goodwill and reputation of Plaintiff and its trade name and marks.

COUNT I

(Trademark Infringement under 15 U.S.C. §1114)

32. Plaintiff repeats and realleges the averments contained in Paragraphs 1 through 31 of this Complaint as if fully set forth herein.

33. Defendants are using Plaintiff's SCIENCE & BEAUTY Marks without Plaintiff's authorization in a manner that is likely to cause confusion among consumers. Specifically, Defendants are using Plaintiff's SCIENCE & BEAUTY Marks to identify their cosmetic and medical services and as the name of a business which is located less than one mile from Plaintiff.

34. The foregoing acts and conduct of Defendants are likely to cause confusion, to cause mistake, and/or to deceive the public, including prospective purchasers of Plaintiff's Services, into mistakenly believing that Defendants are Plaintiff or are a licensee of Plaintiff or that Defendants and their activities are authorized, endorsed, sponsored or approved by Plaintiff or that Defendants and their activities originate with or are connected or associated with Plaintiff, when in fact they are not.

35. The foregoing acts and conduct of Defendants constitute willful and deliberate infringement of Plaintiff's registered service marks SCIENCE AND BEAUTY (No. 3,185,697) and SCIENCE + BEAUTY (No. 3,382,840) in violation of §32 of the Lanham Act (as amended), 15 U.S.C. §1114.

36. By reason of the foregoing, Plaintiff is being irreparably damaged by Defendants' activities and will continue to be damaged unless Defendants are enjoined from continuing to commit the aforesaid acts.

37. Plaintiff has no adequate remedy at law.

COUNT II

(False Designation Of Origin under 15 U.S.C. §1125(a))

38. Plaintiff repeats and realleges the averments contained in Paragraphs 1 through 37 of this Complaint as if fully set forth herein.

39. The foregoing acts and conduct of Defendants are likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Defendants and their services with Plaintiff.

40. The foregoing acts and conduct of Defendants constitute a false designation of origin and a false description and representation of fact in violation of §43(a) of the Lanham Act (as amended), 15 U.S.C. §1125(a).

41. By reason of the foregoing, Plaintiff is being damaged by Defendants' activities and will continue to be damaged unless Defendants are enjoined from the aforesaid acts.

42. Plaintiff has no adequate remedy at law.

COUNT III

(Deceptive Acts and Practices and False Advertising under New York Statutory Law)

43. Plaintiff repeats and realleges the averments contained in Paragraphs 1 through 42 of this Complaint as if fully set forth herein.

44. Defendants have misrepresented the nature, characteristics and qualities of their services by representing that they are associated with Plaintiff.

45. Defendants have engaged in unlawful, unfair and fraudulent business practices and unfair, deceptive, untrue and misleading advertising in violation of New York General Business Law §349.

46. Such actions by Defendants also constitute false and misleading advertising in violation of New York General Business Law §350.

47. By reason of the foregoing, Plaintiff is being damaged by Defendants' activities and will continue to be damaged unless Defendants are enjoined from continuing to commit the aforesaid acts.

48. Plaintiff has no adequate remedy at law.

COUNT IV

(New York Common Law Unfair Competition)

49. Plaintiff repeats and realleges the averments contained in Paragraphs 1 through 48 of this Complaint as if fully set forth herein.

50. Plaintiff's SCIENCE & BEAUTY Marks are inherently distinctive.

51. By reason of the foregoing, Defendants are engaged in unfair competition with Plaintiff by misappropriating or attempting to misappropriate Plaintiff's SCIENCE & BEAUTY Marks and the goodwill and reputation associated therewith in a manner which is likely to deceive and confuse the public into believing that Defendants and their services originate with or are those of Plaintiff or are sponsored by, licensed by, endorsed by, or are otherwise associated with Plaintiff, when in fact they are not.

52. By reason of all the foregoing, Plaintiff is being damaged by Defendants' activities and will continue to be damaged unless Defendants are enjoined from continuing to commit the aforesaid acts.

53. Plaintiff has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

i. An Order preliminarily and permanently enjoining and restraining Defendants, their partners, agents, servants and employees and those persons in active concert or participation with them from engaging in, offering, or providing services or goods in connection with any mark that is identical or confusingly similar to any of Plaintiff's SCIENCE & BEAUTY Marks.

ii. An Order preliminarily and permanently enjoining Defendants, their partners, agents, servants, and employees and those persons in active concert or participation with them from engaging in any acts of false designation of origin or false description or representation or any acts of unfair competition and/or deceptive trade practice in connection with offering or providing medical, cosmetic or dermatological services or goods.

iii. An Order to withdraw and abandon U.S. Trademark Application No. 78/603,725.

iv. An accounting and award of Defendants' profits and Plaintiff's damages sustained as a result of Defendants' acts complained of herein.

v. A trebling of the award of Defendants' profits and Plaintiff's damages in view of the willful and intentional nature of Defendants' conduct.

vi. An award to Plaintiff of such punitive damages as is appropriate in view of the willful conduct on the part of Defendants.

vii. An award to Plaintiff of its costs in this action including its reasonable attorneys' fees.

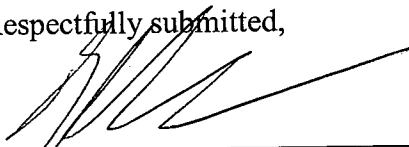
viii. Such other and further relief as the Court may deem just and equitable under the circumstances herein.

JURY DEMAND

Plaintiff seeks a jury trial on all issues entitled to be tried by a jury.

Dated: April 11, 2008
New York, New York

Respectfully submitted,



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Stephen J. Quigley
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Telephone: (212) 382-0700
Attorneys for Plaintiff

1

Int. Cl.: 44

Prior U.S. Cls.: 100 and 101

Reg. No. 3,185,697

United States Patent and Trademark Office

Registered Dec. 19, 2006

**SERVICE MARK
PRINCIPAL REGISTER**

SCIENCE AND BEAUTY

Yael Halaas, M.D., PLLC (New York Professional Limited Liability Company)
Suite 2B
1049 5th Avenue
New York, NY 10028

FOR: COSMETIC, PLASTIC AND RECONSTRUCTIVE MEDICAL SERVICES, IN CLASS 44 (U.S. Cls. 100 and 101).

FIRST USE 1-4-2004; IN COMMERCE 1-4-2004.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-603,261, FILED 4-6-2005.

STEVEN PEREZ, EXAMINING ATTORNEY

2

Int. Cl.: 44

Prior U.S. Cls.: 100 and 101

Reg. No. 3,382,840

United States Patent and Trademark Office

Registered Feb. 12, 2008

**SERVICE MARK
PRINCIPAL REGISTER**

SCIENCE + BEAUTY

Yael Halaas M.D. PLLC (New York Professional Limited Liability Company)
1W
114 East 71st Street
New York, NY 10021

FOR: COSMETIC, PLASTIC AND RECONSTRUCTIVE MEDICAL SERVICES, IN CLASS 44 (U.S. Cls. 100 AND 101).

FIRST USE 9-0-2006; IN COMMERCE 9-0-2006.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 78-603,244, FILED 4-6-2005.

KAPIL BHANOT, EXAMINING ATTORNEY

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SCIENCE AND BEAUTY SPA

Word Mark	SCIENCE AND BEAUTY SPA
Goods and Services	IC 044. US 100 101. G & S: Cosmetic, plastic and reconstructive medical services
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78603251
Filing Date	April 6, 2005
Current Filing Basis	1B
Original Filing Basis	1B
Published for Opposition	July 18, 2006
Owner	(APPLICANT) Yael Halaas M.D. PLLC Professional limited liability company NEW YORK Suite 2B 1049 5th Avenue New York NEW YORK 10028
Attorney of Record	Douglas A. Miro
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BEAUTY SPA" APART FROM THE MARK AS SHOWN
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Serial Number: 78603251 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

**SCIENCE AND BEAUTY
SPA**

(words only): SCIENCE AND BEAUTY SPA

Standard Character claim: Yes

Current Status: A request for the second extension of time to file a statement of use has been granted.

Date of Status: 2007-10-09

Filing Date: 2005-04-06

The Notice of Allowance Date is: 2006-10-10

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 108

Attorney Assigned:
BELZER LYDIA M

Current Location: 700 -Intent To Use Section

Date In Location: 2006-10-10

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Yael Halaas M.D. PLLC

Address:

Yael Halaas M.D. PLLC
Suite 2B 1049 5th Avenue
New York, NY 10028
United States

Legal Entity Type: Professional limited liability company
State or Country Where Organized: New York

GOODS AND/OR SERVICES

International Class: 044

Class Status: Active

Cosmetic, plastic and reconstructive medical services

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Disclaimer: "BEAUTY SPA"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-10-09 - Extension 2 granted

2007-10-09 - Extension 2 filed

2007-10-09 - TEAS Extension Received

2007-04-10 - Extension 1 granted

2007-04-10 - Extension 1 filed

2007-04-10 - TEAS Extension Received

2006-10-10 - Notice of allowance - mailed

2006-07-18 - Published for opposition

2006-06-28 - Notice of publication

2006-05-30 - Law Office Publication Review Completed

2006-05-26 - Assigned To LIE

2006-05-23 - Examiner's amendment mailed

2006-05-23 - Approved for Pub - Principal Register (Initial exam)

2006-05-23 - Examiner's Amendment Entered

2006-05-23 - Examiners Amendment -Written

2005-11-23 - Priority Action Mailed

2005-11-22 - Priority Action Written

2005-11-15 - Examiner's Amendment Entered

2005-11-10 - Examiner's amendment mailed

2005-11-10 - Examiner's Amendment Entered

2005-11-10 - Examiners Amendment -Written

2005-11-02 - Assigned To Examiner

2005-04-14 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

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Correspondent

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SCIENCE AND BEAUTY ASSOCIATES

Word Mark	SCIENCE AND BEAUTY ASSOCIATES
Goods and Services	IC 044. US 100 101. G & S: Cosmetic, plastic and reconstructive medical services
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78603256
Filing Date	April 6, 2005
Current Filing Basis	1B
Original Filing Basis	1B
Published for Opposition	July 4, 2006
Owner	(APPLICANT) Yael Halaas M.D. PLLC PROFESSIONAL LIMITED LIABILITY COMPANY NEW YORK Suite 2B 1049 5th Avenue New York NEW YORK 10028
Attorney of Record	Douglas A. Miro
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ASSOCIATES" APART FROM THE MARK AS SHOWN
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Serial Number: 78603256 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

**SCIENCE AND BEAUTY
ASSOCIATES**

(words only): SCIENCE AND BEAUTY ASSOCIATES

Standard Character claim: Yes

Current Status: A request for the second extension of time to file a statement of use has been granted.

Date of Status: 2007-10-15

Filing Date: 2005-04-06

The Notice of Allowance Date is: 2006-09-26

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 105

Attorney Assigned:
BIBBINS ODESSA B

Current Location: 700 -Intent To Use Section

Date In Location: 2008-03-28

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Yael Halaas M.D. PLLC

Address:

Yael Halaas M.D. PLLC
 Suite 2B 1049 5th Avenue
 New York, NY 10028
 United States
Legal Entity Type: PROFESSIONAL LIMITED LIABILITY COMPANY
State or Country Where Organized: New York

GOODS AND/OR SERVICES

International Class: 044
Class Status: Active
 Cosmetic, plastic and reconstructive medical services
Basis: 1(b)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Disclaimer: "ASSOCIATES"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-04-07 - PAPER RECEIVED
 2008-03-26 - TEAS Statement of Use Received
 2007-10-15 - Extension 2 granted
 2007-09-26 - Extension 2 filed
 2007-10-01 - PAPER RECEIVED
 2007-08-16 - Extension 1 granted
 2007-03-26 - Extension 1 filed
 2007-03-26 - PAPER RECEIVED
 2006-09-26 - Notice of allowance - mailed
 2006-07-04 - Published for opposition

2006-06-14 - Notice of publication

2006-05-15 - Law Office Publication Review Completed

2006-05-05 - Assigned To LIE

2006-05-04 - Approved for Pub - Principal Register (Initial exam)

2006-05-03 - Examiner's amendment mailed

2006-05-03 - Examiner's Amendment Entered

2006-05-03 - Examiners Amendment - Written

2005-11-03 - Non-final action mailed

2005-11-02 - Non-Final Action Written

2005-11-02 - Assigned To Examiner

2005-04-14 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

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Correspondent

Douglas A. Miro

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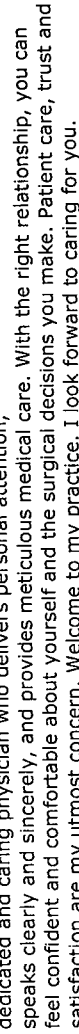
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It's okay to look your age... just look fabulous for your age!



Click here to read the New York Times Magazine Spring 2007 article "2007: A Face Odyssey" featuring an interview with Dr. Halaas:

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I feel I am a better person having met and used Dr. Yael. I will continue use Dr. Yael as my facial surgeon. I also will continue to recommend her to friends and/or family who wish to use her professional services. She is truly worth all the respect that her profession can give her.

Catherine

Are you planning on travelling long distances to experience Dr. Halaas' skill and caring approach?

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114 East 71st Street, #1W, NY, NY 10021 | T: 212.688.5955 | F: 212.988.1051

Dr. Halaas is a board certified plastic surgeon with over 20 years of experience. He is a member of the American Society of Plastic Surgeons (ASPS) and the American Board of Plastic Surgery (ABPS). He is also a member of the New York State Society of Plastic Surgeons (NYSAPS) and the New York State Medical Society (NYSMS). He is a frequent speaker at national and international conferences and has published numerous articles in medical journals. He is also a member of the American Medical Association (AMA) and the American College of Surgeons (ACS).

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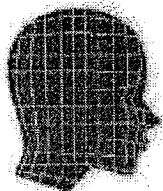
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science + beauty
medical spa

Word Mark	SCIENCE + BEAUTY MEDICAL SPA
Goods and Services	IC 044. US 100 101. G & S: health spa services, namely, cosmetic body care services. FIRST USE: 20050101. FIRST USE IN COMMERCE: 20050301
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	02.01.33 - Grotesque men formed by letters, numbers, punctuation or geometric shapes; Stick figures 02.01.37 - Busts of men in profile; Heads of men in profile; Men - heads, portraiture, or busts in profile; Portraiture of men in profile
Serial Number	78603725
Filing Date	April 7, 2005
Current Filing Basis	1A
Original Filing Basis	1A
Owner	(APPLICANT) Goodrich, Matthew INDIVIDUAL UNITED STATES 205 E. 14th Street Apt. A New York NEW YORK 10003 (APPLICANT) Plotnick, Jessica L. INDIVIDUAL UNITED STATES 139 E. 35th Street Apt. 10E New York NEW YORK 10016
Attorney of Record	Robert S. Schwartz
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "Medical Spa" APART FROM THE MARK AS SHOWN
Description of Mark	"The color(s) PINK, BLACK, WHITE, and GRAY, is/are claimed as a feature of the mark." "The mark consists of the color Pink is used on the head design with WHITE grid lining. The color PINK is also

used on the plus symbol. The color BLACK is used on the wording SCIENCE AND BEAUTY and the color GRAY on the word MEDICAL SPA. ."

Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Document Description: **Suspension Letter** Mail / Create Date: **30-Jan-2007**



To: Plotnick, Jessica L. (schwartz@i-2000.com)
Subject: TRADEMARK APPLICATION NO. 78603725 - SCIENCE + BEAUTY MEDICAL SPA - N/A
Sent: 1/30/2007 3:29:50 PM
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Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/603725

APPLICANT: Plotnick, Jessica L.

78603725

CORRESPONDENT ADDRESS:

ROBERT S. SCHWARTZ
HOLMES SCHWARTZ & GORDON
320 ENDO BLVD
GARDEN CITY, NY 11530-6708

RETURN ADDRESS:

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

If no fees are enclosed, the address should include the words "Box Responses - No Fee."

MARK: SCIENCE + BEAUTY MEDICAL SPA

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:

schwartz@i-2000.com

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

Serial Number 78/603725

NOTICE OF SUSPENSION

SUSPENSION PROCEDURE: This suspension notice serves to suspend action on the application for the reason(s) specified below. No response is needed. 37 C.F.R. §2.67. However, the examining attorney will conduct periodic status checks and may issue inquiries at 6 month intervals from the mailing date of this notice. TMEP §716.05. If a status inquiry Office action issues, applicant will have 6 months from the mailing or e-mailing date of the status inquiry to respond. 15 U.S.C. §1062

(b); 37 C.F.R. §2.62.

MAILING/E-MAILING DATE INFORMATION: If the mailing or e-mailing date of this Office action does not appear above, this information can be obtained by visiting the USPTO website at <http://tarr.uspto.gov/>, inserting the application serial number, and viewing the prosecution history for the mailing date of the most recently issued Office communication.

Action on this application is suspended pending the disposition of:

- Application Serial No(s). **78603251, 78603256, 78603261, 78603244, and 76551224**

Since applicant's effective filing date is subsequent to the effective filing date of the above-identified application(s), the latter, if and when it registers, may be cited against this application in a refusal to register under Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d). See 37 C.F.R. §2.83; TMEP §§1208 et seq. A copy of information relevant to this pending application(s) **was sent previously**.

Applicant may submit a request to remove the application from suspension to present arguments related to the potential conflict between the relevant application(s) or other arguments related to the ground for suspension. TMEP §716.03. Applicant's election not to present arguments during suspension will not affect the applicant's right to present arguments later should a refusal in fact issue. If a refusal does issue, applicant will be afforded 6 months from the mailing or e-mailing date of the Office action to submit a response. 15 U.S.C. §1062(b); 37 C.F.R. §2.62.

The applicant disclaimer, color claim, and color description are accepted and made of record. The requirement for a new drawing is withdrawn. The applicant's original drawing of record is acceptable and will be rescanned and made of record.

/Curtis W. French/
 Trademark Attorney
 Law Office 115
 United States Trademark Office
 571-272-9472

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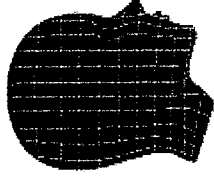
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science + beauty medical spa



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welcome

Science + Beauty Medical Spa is dedicated to providing the most innovative and safe beautification treatments available today. To this end, we offer a comprehensive array of cosmetic and medical services involving both invasive and non-invasive procedures.

We specialize in Sclerotherapy, Laser Hair Removal, Lipodissolve, BOTOX™, and Juvederm/Captique/facial fillers treatments. We also offer facials, bio-ultimate face lifts, as well as chemical peels and masks. Click here to read about all of our treatments.

Our professionals bring decades of experience to the practice and are committed to meeting the specific needs of each client. We are conveniently located on the Upper East Side of Manhattan at the corner of Park Avenue and 82nd Street. To learn more about our practitioners, see about s+b. For more information or to make an appointment, refer to our contact section.

science + beauty



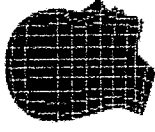
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about science + beauty

Science + Beauty Medical Spa is dedicated to providing the most innovative and safe beautification treatments available today. Our professionals bring decades of experience to the practice and are committed to meeting the specific needs of each client. For information or to make an appointment, use our contact information.

To learn more about our team, please read the bios below.

Jessica Plotnick, PA-C, MMSc

After completing her B.A. at SUNY-Binghamton, Jessica went to Emory University's School of Medicine Physician Assistant Program, rated the number one P.A. program in the nation. She graduated amongst the top of her class and received a Physician Assistant degree along with a Masters in Medical Science. Following graduation in January 1996, Jessica started her career practicing Emergency Medicine, which she continues to do today. After a few years in the E.R., it became apparent that she had exemplary skills and an affinity for detail-oriented work. This realization guided Jessica to the field of Sclerotherapy. She has now been performing Sclerotherapy for many years and has become known as one of the most skilled, knowledgeable, and gentlest Sclerotherapists in the tri-state region. Jessica has treated over a thousand men and women, of all skin colors, who remain thrilled with their amazing results.

With a dedicated patient population, Jessica's practice has expanded from performing Sclerotherapy to include many other non-invasive cosmetic procedures. These include laser hair removal, chemical peels, and many injectables including Botox and Juvederm/Captique. Jessica's patients have

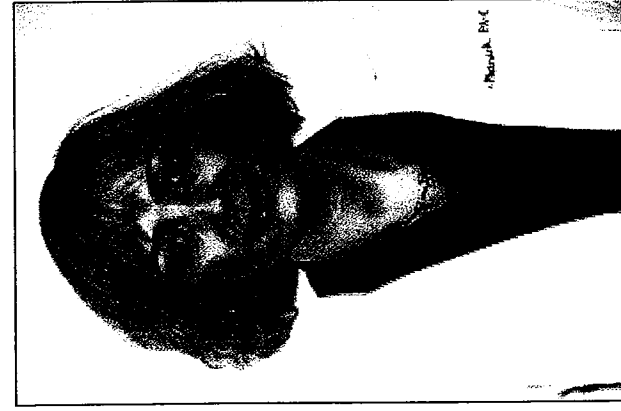


photo: Michael Priest

Ebbie Butt

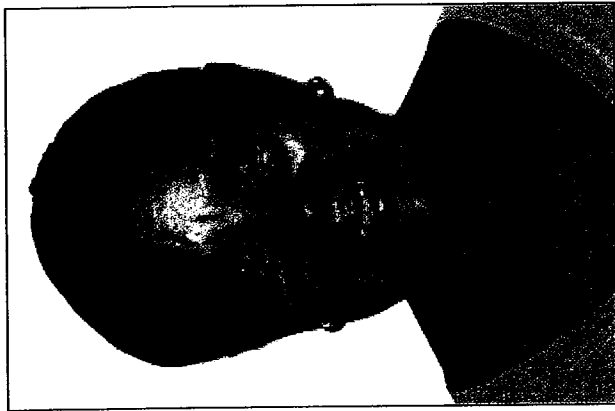
said to her time and time again: "When you find someone you trust, you stick with them." Jessica is so proud to be that person for so many wonderful people.

For a copy of Jessica's CV, [click here](#).

After years of working in the medical profession in many specialties, Ebbie Butt directed her focus towards skin care. She graduated from the Christine Valmy International School For Esthetics, Skin Care, Make Up and Nail Artistry of New York City. She is a New York State Licensed Esthetician and has practiced in Manhattan, Fairfield, Connecticut and at the Judith Jackson Spa in Westport, Connecticut.

Ebbie's Signature Facials include an array of techniques developed from her advanced courses in Alpha Hydroxy Acids, Massage Techniques and Reflexology. She is certified to perform Microcurrent Treatments, a low level of electricity that mirrors the body's own natural electrical impulses, also referred to as Facial Toning. This obviates the need for more invasive techniques (i.e., Botox injections).

Ebbie creates a nurturing atmosphere that will leave you feeling relaxed and rejuvenated.

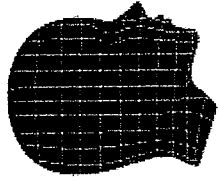


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welcome

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